

401 KAR 50:065. Conformity of general federal actions.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 40 C.F.R. 51.850-51.860, 42 U.S.C. 7401-7671p

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 40 C.F.R. 51.850-51.860, 42 U.S.C. 7506(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. The federal regulation incorporated by reference in this administrative regulation provides for determining the conformity of general federal actions to the State Implementation Plan (SIP). 40 C.F.R. 51.850 to 51.860 require that the applicable federal agencies implement the conformity determination in consultation with agencies of the Commonwealth of Kentucky.

Section 1. Definitions. As used in 40 C.F.R. 51.850 to 51.860, the following terms shall be defined as provided in this section:

(1) "Local air quality agency" means an air pollution control district created pursuant to KRS Chapters 77 and 224.

(2) "State air quality agency" means Environmental and Public Protection Cabinet.

Section 2. (1) 40 C.F.R. 51.850 to 51.860, (40 C.F.R. 51, Subpart W), Determining Conformity of General Federal Actions to State or Federal Implementation Plans, as published in the Federal Register, 58 FR 63247, November 30, 1993, is incorporated by reference.

(2) The material incorporated by reference may be obtained, inspected, or copied at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3399;

(b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-8942, (606) 929-5285;

(c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3358;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(g) London Regional Office, 875 S. Main Street, London, Kentucky 40741-9008, (606) 330-2080;

(h) Owensboro Regional Office, 3032 Alvey Park Drive W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(3) Copies of the Code of Federal Regulations (C.F.R.) are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (22 Ky. 434; 10-11-1995; TAm eff. 8-9-2007; TAm eff. 5-20-2010; TAm eff. 9-16-2013; TAm eff. 4-2-2014; TAm eff. 7-8-2016; Crt eff. 11-21-2018.)